

## **Questionnaire on Participating States' Policy and/or National Practices and Procedures for the Export of Conventional Arms and Related Technologies**

### **1. Their basic principles, policies and/or national practices on the export of conventional arms and related technology.**

Implementing policies for dual use and military goods is aimed at the control and regulations of such goods towards sensitive destinations based on political criteria and guided by the EU regulations and decisions. The competent authority for issuing a license for export and/or re-export of arms, or any other type of military equipment from Greece is the Directorate of Import-Export Regimes, Trade Defense Instruments of the Ministry of Development, Competitiveness, Infrastructure, Transport & Networks. The particular directorate will issue the relevant license upon the consent of the Ministries of Foreign Affairs, National Defense and Citizens Protection (Public Order) depending on the use of the export item (i.e. military or civilian). Authorizations are granted only in cases where exports serve legal purposes, while authorizations are never issued when the consignee is a country where an embargo has been imposed by the UN Security Council, the Council of the EU or OSCE. There are some cases, as indicated in paragraphs 2 & 7 or Article 3a of LAW 4028/11 on November 11, 2011 (Government Gazette 242), where the export license can be issued directly by the Ministry of Defense.

### **2. Their national legislation governing the export of conventional arms and related technology. If applicable, report changes and/or updates to the data provided in 1995, including any relevant subsidiary legislation.**

Applicable legislation, governing the export of conventional arms is based on LAW 2168/93 of September 3<sup>rd</sup>, 1993 (Government Gazette 147) which determines matters pertaining to military goods (including SALW), ammunition, explosive devices and substances. The above mentioned law was revised with LAW 3944/11 on April 6, 2011 (Government Gazette 67) in order to incorporate EU directive 2008/51/EC of the European Parliament and the Council (May 21, 2008) which had amended Council Directive 91/477/EEC on the control of the acquisition and possession of weapons. The incorporated provisions include marking and tracing as well as stricter guidelines for record keeping. Furthermore, initial legislation governing arms exports was further amended with LAW 4028/11 on November 11, 2011 (Government Gazette 242) in order to incorporate Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfer of defense-related products within the Community, and the EU Common Position on Brokering 2003/468/CFSP. Finally, with LAW 3875 of September 20, 2010 (Government Gazette 158), Greece ratified the United Nations Convention Against Transnational Organized Crime and the Protocols thereto, including the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. Finally, the relevant documents required for the issuance of a license are indicated in Ministerial Decision Φ. 900/2553/Σ.751/14 of March 12, 2012 (Government Gazette Β' 746), while suppliers are required to follow specific guidelines for the secure transport

of goods required by article 12 of LAW 4028/2011 and further stipulated in Ministerial Decision Φ. 900/7532/Σ. 2126/2012 of June 11, 2012 (Government Gazette B' 1830).

**3. Any international agreements or guidelines, other than OSCE commitments, covering the export of conventional arms to which they are a party.**

Greece, as an EU member state, abides by the eight criteria as stipulated in Common Position CFSP/944/2008 which defines common rules governing control of exports of military technology and equipment. Furthermore, as a member of the Wassenaar Arrangement, Greece adheres to the strict guidelines indicated by the Arrangement for both military and dual use items.

**4. The procedures for processing an application to export conventional arms and related technology:**

- **Who is the issuing authority?**
- **What other authorities are involved and what is their function?**
- **Who deals with compliance?**

Export applications are processed by the Directorate of Import-Export Regimes, Trade Defense Instruments of the Ministry of Development, Competitiveness, Infrastructure, Transport & Networks which is the coordinating authority for the issuance of an export license. The particular Directorate is assisted in this process by the competent departments of the Ministry of Defense (for military exports & technology), the Ministry of Citizens Protection (Public Order), and the Ministry of Foreign Affairs. Following the consultative process, the Directorate of Import-Export Regimes, Trade Defense Instruments will liaise with the interested exporting party in order to inform them of their export request. Export licenses could be denied in case one of the aforementioned ministries does not consent to granting an export authorization for reasons it considers important (i.e. the political, military and other circumstances of the region of export). Furthermore, the same competent authority responsible for issuing an export license has the capacity to revoke it in case the situation changes in the consignee country or the country's extended area. Consultations for approval or rejection of an export license request cannot exceed a 30 day period, while the export license applies for one (1) year with the possibility for extension for another one (1) year, as stipulated in para.3 of article 3 of LAW 4028/2011.

**5. Lists of conventional weaponry under national export controls and the basis for their control. If applicable, report changes and/or updates to the data provided in 1995.**

Ministerial Decree Φ.900/2553/Σ.751 of March 14, 2012 (Government Gazette 746), harmonizes the national control list in order to meet the requirements, as stipulated in Commission Directive 2012/10/EU issued as L85/24.03.2012. From hereon after, the updated military list of the EU will be incorporated to the Greek legal corpus without any additional ministerial decrees.

**6. Principles and national regulations on the destination or end-user of the equipment. Is there a complete erga omnes system or a published list of:**

- **Destinations of Concern?**

- **Embargoed countries?**
- **Differentiation between destinations (e.g. is there any preferential treatment or (groups) of countries)?**

Greek authorities examine issuance of export licenses on a case-by-case basis, and in adherence to the UN, EU and OSCE sanctions.

- 7. Requirements for the provision of an end-user certificate in an export license application, or of non-re-exporting clauses, or of any other type of certification before and after delivery for conventional arms export contracts. If applicable, please specify any verification of the end-user certificate and/or non-re-export clauses before and after delivery.**

In order to approve a license for an arms export, end-user certification is required. The certificate, issued by the competent governmental authority of the importing state, must state that the goods under purchase will not be re-exported. In accordance with Ministerial Decision Φ. 900/2553/Σ.751/14 of March 12, 2012 (Government Gazette B' 746), and specifically, para. 3 of Article 4, the exporting state, in this case Greece, can request a "post shipment control" which would verify the completion of the transaction.

- 8. National definition of transit and transshipment (including free zones) of conventional arms, together with associated national legislation and compliance procedures.**

Transit and transshipment activities fall under the same legislative and compliance procedures as traditional exports. No specific definitions or procedures apply for transit and transshipment which fall outside the scope of export licensing.

- 9. The procedures governing companies wishing to export arms. Are companies obligated to seek official governmental authority to enter into contract negotiations or to sign contracts with foreign customers?**

Companies which are based in Greece, and listed in the export registry of the regional chamber of commerce, can undertake contractual agreements with foreign recipients, with the purpose of exporting to a legal entity or otherwise, products associated with the defense sector.

- 10. Policy on the revocation of export licenses once they have been approved: please list any published regulations.**

As indicated in Question 4 above, the competent agency responsible for the issuance of an export license has the capacity to also revoke it. Licenses are revoked under particular circumstances such as the introduction of mandatory sanctions by the UN, EU & OSCE.

- 11. The penal and administrative implications for any exporter failing to comply with national controls. If applicable, report changes and/or updates to the data provided in 1995.**

The penal and administrative implications for an exporter failing to comply with national controls are stipulated in Article 15 of LAW 2168/1993 of September 3, 1993 (Government Gazette 147). Furthermore, article 272 of the Penal Code, as modified by LAW 2928/2001 of June 27, 2001 (Government Gazette 141), applies to explosives, and carries heavier fines, including up to 10 years imprisonment. Additional penalties are indicated in para. 10 or article 3a of LAW 2168/1993 as revised by articles 3 and 19 respectively of LAW 4028/2011.

**12. Any circumstances in which the export of arms does not require an export license.**

All conventional arms require an export license.

**13. Licenses for temporary export (e.g. demonstrations or testing), the period allowed and any special conditions attached to the license, including verification of return procedures.**

Exports for the purpose of testing and/or demonstration of military goods in third countries are not excluded from the standard licensing procedures. However, such licenses are issued directly from the Ministry of Defense as per paragraphs 2 & 7 or Article 3a of LAW 4028/11 on November 11, 2011 (Government Gazette 242).

14. License documents and any standard conditions attached to it (copies to be provided).

**15. Different types (e.g. individual, general, restricted, full, permanent, etc.) of licenses and what they are used for.**

The competent Greek authorities issue individual and global licenses for export, re-export and transfer in the following manner:

A standard export or re-export license applies for one (1) year, with the option of an additional one (1) year extension (para. 3 or article 3a LAW 2168/1993 as revised with article 3 of LAW 4028/2011).

General Transfer licenses (for intra-community transfers) apply in accordance with article 9 of LAW 4028/2011 as long as the security measures are enforced as indicated in article 18 of the above mentioned law. Global transfer licenses (for intra community transfers) apply for three (3) years with a possibility of a two (2) year extension, in accordance with para. 3 of article 10 of LAW 4028/2011. Finally, an individual transfer license is issued in accordance with para. 3 of article 11 of LAW 4028/2011 and is applicable for one (1) year with the option of another year extension.

**16. Advice given to exporters as to licensability, such as the likelihood of approval for a possible transaction.**

Interested exporters refer their questions to the licensing authority which is the Directorate of Import-Export Regimes, Trade Defense Instruments. Staff of the directorate are in a position to inform exporters of the current status of their destination of interest prior to the submission of an application and subsequent trade

transaction. If, for unforeseen reasons, changes of a destabilizing nature occur in the receiving country then a competent authority has the capacity to issue a denial.

**17. The average number of export licenses issued annually and the staff engaged in the export licensing procedure.**

The average number of export licenses issued by the Directorate of Import-Export Regimes, Trade Defense Instruments of the Ministry of Development, Competitiveness, Infrastructure, Transport & Networks for both military and dual use goods varies, while the staff involved in the licensing process for the said Directorate numbers less than 10 in the respective competent ministries. However, Departments from the Ministry of Defense, Foreign Affairs and Citizens Protection are also involved in the process of license issuance.

**18. Any other relevant information pertaining to the export of conventional arms and related technology, eg. Additional laws, reports to Parliament, special procedures for certain goods.**

**19. Are all guidelines governing conventional arms transfers nationally published?**

Greece does not independently publish conventional arms transfers. However, conventional arms transfers of all EU member States are published in an Annual Report in the C' series of the Official Journal of the European Union (CFSP/944/2008 Article 8 para. 2). Furthermore, Greece submits relevant information to the United Nations Registry of Arms (UNROCA) for the seven categories of conventional weapons as well as Small Arms and Light Weapons.